

**REED WEITKAMP
SCHELL & VICE PLLC**

500 West Jefferson Street, Suite 2400
Louisville, Kentucky 40202-2812
Telephone 502.589.1000
Facsimile 502.562.2200
jreed@KWSVlaw.com

JOHN S. REED
Direct Dial 502.667.1515

February 12, 2008

*Via Facsimile Transmission
and U.S. Mail*

Jeff S. Jordan
Supervisory Attorney
Complaints Examination & Legal Administration
Federal Elections Commission
Office of the General Counsel
999 E Street, NW
Washington, DC 20462

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

2008 FEB 19 A 10:46

Re: MUR 5965

Dear Mr. Jordan:

I represent Dant Clayton Corporation ("Dant Clayton"), and I am responding to your letter of January 28, 2008. Attached is a statement of my designation as Dant Clayton's counsel for purposes of the above-referenced complaint. Thank you for the opportunity to respond to a complaint filed by Jack L. Richardson, Jefferson County, Kentucky, Republican Party Chairman. We note that it is based substantially upon commentary found in a partisan blog. For reasons explained below, Dant Clayton asks that you dismiss the matter, numbered MUR 5965, and take no action against Dant Clayton.

It is Dant Clayton's understanding that, at the time of the matters raised in the complaint, Greg Fischer was not a candidate for U.S. Senate under applicable campaign finance law. According to 2 U.S.C. § 431(2), a "candidate" is someone who is "seek[ing] nomination" to federal office and who has also received contributions or made expenditures in excess of \$5000. We understand that this was not the case for Mr. Fischer. Thus, the ban on corporate contributions to candidates in 2 U.S.C. § 441b was not applicable, and Dant Clayton did nothing inappropriate to the extent it may have allowed Greg Fischer or other Dant Clayton employees to use corporate resources in the form of email.

To the extent Mr. Fischer could have been deemed a "candidate" within the meaning of 2 U.S.C. § 431(2), volunteer time of Dant Clayton employees would not be deemed a contribution. If those volunteers used corporate resources, it is Dant Clayton's belief that the use of those

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resources was "occasional, isolated or incidental" within the meaning of 11 CFR § 114.9(a) and would not be a contribution.

If you have further questions, please do not hesitate to contact me. Thank you for your attention to this matter.

Sincerely,



John S. Reed

JSR/kmc
Enclosure

cc: Bruce Merrick, Chairman, Dant Clayton Corporation
Amy D. Cabbage, Counsel for Greg Fischer and the Fischer for Senate Campaign

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990 E Street, NW
Washington, DC 20463

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STATEMENT OF DESIGNATION OF COUNSEL
Please use one form for each Respondent/Client.
FAX (202) 218-3028

NUR # 5965

NAME OF COUNSEL: John S. Reed

FIRM: Reed Weickamp Schell & Vice PLLC

ADDRESS: 500 W. Jefferson Street, Suite 2400

Louisville, Kentucky 40202-2812

TELEPHONE- OFFICE (502) 589-1000

FAX (502) 562-2200

The above-named individual and/or firm is hereby designated as my
counsel and is authorized to receive any notifications and other communications
from the Commission and to act on my behalf before the Commission.

02/12/08
Date

Tate H. H. [Signature]
Respondent/Client Signature

V. P.
Title

RESPONDENT/CLIENT Dant Corporation Corporation
(Please Print)

MAILING ADDRESS: 1500 Barnhart Lane

Louisville, Kentucky 40210

TELEPHONE- HOME _____

BUSINESS (502) 634-1626

Information is being sought as part of an investigation being conducted by the Federal Election
Commission and the confidentiality provisions of 2 U.S.C. § 437(g)(4)(B) apply. This section
prohibits making public any investigation conducted by the Federal Election Commission without
the express written consent of the person under investigation

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